

REMARKS

Claims 1-16, and 19 are currently pending in the application. Applicant respectfully requests reconsideration of the application in view of the following remarks.

The applicant's undersigned attorney expresses appreciation to Examiner Kumar for her review of the previously charts that were informally submitted to help distinguish between the invention and a double click method. Examiner Kumar also is thanked for her consideration of and her remarks in the Advisory Action of May 22, 2008, addressing the not entered Amendment that was filed on April 18, 2008.

1. Claim Amendments

Claims 1 and 3 have been amended. Claims 17 and 18 have been canceled. Claim 19, which has been added, is the same as prior claim 3 as amended in the Amendment that was filed on November 12, 2004.

Claim 1 now recites: "navigating in a backwards direction in the hierarchically organized menu system by removing the finger from the movable physical member and re-applying the finger to the movable physical member within a set time limit without regard to the length of time that the finger is applied immediately preceding the removing and re-applying of the finger" (emphasis added).

Likewise, claim 3 now recites: "said electronic device is arranged to perform a step backwards in a hierarchy of commands in the hierarchically organized menu system if the timer counting is below a set limit following said sensing means detecting that a finger is re-applied to the user surface without regard to the length of time that the finger is applied immediately preceding the removing and re-applying of the finger" (emphasis added).

Support for these amendments may be found, for example, in the specification at least at specification page 4, first paragraph, specification page 7, first full paragraph, original claim 3, and figure 5.

2. Claim Rejections - 35 U.S.C. § 103

Withdrawal of the rejection of claims 1–18 under 35 U.S.C. § 103(a) as being unpatentable over Wallace et al. (US 6,621,483) in view of Applicant's Admitted Prior Art (AAPA), and further in view of Bower (US 2002/0072915) respectfully is requested for the following reasons.

The Examiner combines the movement of a screen pointer in Wallace with the mention of a double click in Bower and the discussion of hierarchically organized menu systems in the AAPA to arrive at the claimed invention. However, the proposed combination does not teach or suggest the claimed subject matter.

The claimed invention provides navigating backwards in a hierarchically organized menu system by removing a finger from a user surface and re-applying the finger to the surface within a set time limit without regard to the length of time that the finger is applied immediately preceding the removing and re-applying of the finger. As claimed, a sensing means senses "if the finger is applied to the user surface," and a timer counts the time between "when the finger is removed from the user surface" and "when the finger is re-applied" (emphasis added). That is, the timer does not start counting until *after* the finger is removed from the user surface. Thus, the length of time that a finger is initially applied to the user surface is irrelevant to performing the claimed navigation in a backwards direction.

Unlike the claimed invention, a conventional double-click method requires two sequential clicks within a prescribed time period in order to initiate an action. Furthermore, each application and removal of the finger must occur within set time intervals in order to effectively "double-click." That is, the double-click method counts the length of time that a finger is initially applied to a user surface, as well as the length of time between when the finger is subsequently removed from the user surface and when the finger is re-applied. In contrast, the claimed invention counts only the time between removing the finger from the user surface and re-applying the finger in order to determine whether to perform the claimed navigation. The claimed invention does not

count how long the finger is initially applied to the user surface. Accordingly, the conventional double-click method does not read upon the claimed invention.

Stated another way, in a double click process a user is forced to push down, lift up, and push down before something happens. In contrast, the present invention is directed and the claims particularly point out that a user **solely lifts up and pushes down.** The double click method has, indeeds **requires,** three steps; the claimed invention exclusively has two steps; the double click method cannot be included in the scope of the pending claims.

Since none of the applied references disclose or fairly suggest the subject matter recited in independent claims 1, 3, and 19, the proposed combination of references does not arrive at the claimed invention. As such, there is no *prima facie* obviousness under 35 U.S.C. § 103(a).

Claims 2 and 4-16 depend from claim 1 and are allowable for at least the reasons set forth above.

In view of the foregoing reasons, reconsideration and withdrawal of all rejections under 35 U.S.C. § 103(a) is respectfully requested.

3. Conclusion

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect earnestly is solicited.

If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned representative to expedite prosecution of the present application.

Application No. 10/509608

If there are any fees resulting from this communication, please charge same to our Deposit Account No. 18-0988, our Order No. SZACP0101US.

Respectfully submitted,
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